

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:08CR3174
)	
Plaintiff,)	MEMORANDUM
v.)	AND ORDER
)	
ILDEFONSO MONTOYA-VASQUEZ,)	
)	
Defendant.)	

On January 13, 2009, Magistrate Judge Piester entered a memorandum and order ([filing 13](#)) denying the government's oral motion for detention and providing that a separate order would be entered establishing conditions of release. The government has now filed a "response" ([filing 16](#)), which the court construes as a statement of appeal. *See* [NECrimR 57.2\(a\)](#).

Pursuant to [28 U.S.C. § 636\(b\)\(1\)\(A\)](#), the court has reviewed ¹ the portions of the memorandum and order to which objections have been made, and finds that the objections should be denied for the reason that the Magistrate Judge's findings of fact and conclusions of law are not clearly erroneous or contrary to law.

Accordingly,

IT IS ORDERED that:

- (1) the Magistrate Judge's memorandum and order ([filing 13](#)) shall not be disturbed and is hereby sustained; and

¹ To the extent the appropriate standard of review is *de novo*, I have conducted a *de novo* review.

(2) Plaintiff's objection to and appeal from the Magistrate Judge's order ([filings 16](#)) is denied.

January 21, 2009.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge